

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAISANKAR MARIMUTHU,

Defendant.

8:07CR30

MEMORANDUM AND ORDER

This matter is before the Court on the Clerk's memorandum regarding in forma pauperis status (Filing No. 288) and the accompanying Notice of Appeal (Filing No. 287).

The Defendant's motion brought under 28 U.S.C. § 2255 was denied on October 24, 2011. This Court and the Eighth Circuit Court of Appeals denied the Defendant a certificate of appealability. The Defendant filed a second motion to vacate, which this Court denied on September 6, 2012. On October 10, 2012, this Court also denied the Defendant's motion to alter or amend the Court's September 12, 2012, order. The Defendant now appeals from the Court's orders filed on September 6 and October 10, 2012. No nonfrivolous issues exist for appeal, and therefore the Court denies the Defendant leave to proceed in forma pauperis on appeal. See 28 U.S.C. § 1915.

IT IS ORDERED that the Defendant is denied leave to proceed in forma pauperis on appeal.

Dated this 23rd day of October, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge

